

REMARKS

This is in response to the Office Action dated July 3, 2006. Claims 1-14 are pending in this application. Claims 1 and 6-14 have been rejected. Claims 2-5 are objected to. Claims 1, 3-5 and 13-14 have been amended and claim 2 has been canceled. Reconsideration and withdrawal of the rejections and objections are respectfully requested in light of the above amendments and following remarks.

The specification has been objected to due since the Examiner has taken the position that Applicant has evoked 35 U.S.C. 112, 6th paragraph, means plus function language to define the invention. Moreover, claims 1, 13 and 14 have been objected to on the same basis. Claim 1, 13 and 14 have been amended herein to remove the means plus function language. As such, it is respectfully submitted that these objections have been traversed and should be withdrawn.

Claims 1 and 6-14 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 6-9, 11, 12, 18 and 19 of copending Application No. 10/530,831. A terminal disclaimer has been submitted herewith and therefore, it is respectfully submitted that this rejection should be withdrawn.

Claim 1, 6, 9 and 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,120,314 to Greenwood. Claim 1 has been amended herein to incorporate the allowable subject matter of claim 2. Moreover, claims 6, 9, and 10 all depend, directly or indirectly from claim 1, which now includes allowable matter. Thus, it is respectfully submitted that the 35 U.S.C. 102(b) rejection has been overcome and should be withdrawn with respect to these claims.

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwood. Claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Greenwood in view of U.S. Patent No. 6,361,524 to Odell. These claims depend indirectly from claim 1, which incorporates allowable subject matter, as amended. Thus, it is respectfully submitted that these rejections should be withdrawn.

Claims 13 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,135,489 to Jepson. Claims 13 and 13 have also been amended to incorporate the allowable subject matter of claim 2. Specifically, the anti-reflux means language has been removed. The claims now recite, *inter alia*, an annular boss on the inside surface of the distal wall surrounding the passageway. Moreover, claims 13 and 14 further recite, contacting the

distal surface of the stopper with the boss and sealing the passageway in order to control stopper deflection. Since this subject matter was deemed to be allowable by the Examiner with respect to original claim 2, it is respectfully submitted that claims 13 and 14 are no allowable and the rejections with respect to these claims should be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (201) 847-6797 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 02-1666 therefor.

Dated: November 1, 2006

Respectfully submitted,

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Doc.#116161